

MEETING MINUTES 6420 N. 45<sup>TH</sup> AVENUE

CITY OF GLENDALE  
BUILDING SAFETY DEPARTMENT

CONFERENCE ROOM B3  
5850 WEST GLENDALE AVENUE  
GLENDALE, AZ 85301

THURSDAY, JULY 23, 2015  
1:30 PM

Hearing Officer Harold Merkow called the meeting to order at approximately 1:30 p.m.

CITY STAFF PRESENT: Mark Ptashkin, Senior Building Inspector  
Tom Paradise, Building Safety Manager  
Sam McAllen, Development Services Director  
Clifford Thrasher, Detective Glendale Police Department  
Robert Essel, Revitalization Coordinator

Property owners present: Steven Kaufman  
Sandra Kaufman

ABATEMENT HEARING

Mr. Mark Ptashkin was sworn in to testify. The subject property is located at 6420 N. 45th Avenue in Glendale, Arizona with a Maricopa County Recorder's Property Identification Number of 146-30-117. The legal description of the property is included in the hearing packet before you. The property, which has a lot size of 6,612 square feet, has a single family masonry residential structure of approximately 1,520 square feet of livable area excluding the garage, which has changed to livable space without building permits, and the un-permitted patio addition. The supporting documentation again has been provided again before us in these hearing packets. Project history on November 25, 2014, The City of Glendale Police Department asked for assistance from the Building Safety Division due what they believed to be high health hazards. Upon arriving at the property we could detect the odor of animal urine from as far as 60 feet away from the structure. At the time the Arizona Humane Society, Glendale Police Department and Glendale Fire Department personnel were on site. The Arizona Humane Society removed approximately 85 cats and one dog in the home although, an exact count could not be determined at the time of the investigation. The Humane Society also believed there were between 10 and 20 other animals that remained as the animals were evading capture and seen climbing into the attic and ductwork of the home. Before entering the home all individuals were notified by Glendale Police of the conditions inside the structure and highly recommended personal protective gear be utilized including disposable boots, gowns, overalls, gloves and respiratory equipment. Entering the structure it was apparent that the owner had accumulated a significant number of animals and was unable to properly care for them. Rubbish and trash, combined with animal waste, reached 12 inches in depth in some areas of the home. Some of the animals were extremely sick and unable to avoid capture. In addition to trash and animal waste, Building Safety and Arizona Humane Society personnel found the bodies of animals that had perished in the structure noting that some of the animals had

resorted to cannibalism as the carcasses had been partially devoured. The walls and any horizontal surface the cats could come into contact with were severely stained by animal waste. The kitchen countertops were covered with fecal matter. Finally it was noted that there was a severe insect infestation. Due to the conditions inside the home the structure was posted as unsafe to occupy. Glendale Police and Building Safety personnel informed the occupant, a Mr. Steven Kaufman, of the actions that were being taken and what was required to abate the hazards before the home could legally be re-occupied. Mr. Kaufman was informed that he must remove any remaining animals and could only remove his personal belongings. No other use of the property was allowed.

December 5, 2014. The Building Safety division contacted several professionals to consult with regarding the conditions of this property. Representatives included:

- Corey Rowley with Native Environmental
- Bob Hutzler, Bob Hutzler and Associates
- Joe Trasser, AZ Bio

These professionals felt, based solely upon observations provided by the Building Safety division, that the odors from the home could not be fully abated. Mr. Trasser from AZ Bio indicated that they would consider an abatement successful if they could remove 80 to 90% of the odors, he was not confident of reaching those levels on this home based upon our description of the conditions. None of the professionals believed that they could permanently remove the odors from the home. December 12, 2014 the City notified Mr. Kaufman of the specific steps required to abate the hazards at this structure in a letter dated December 12, 2014. This included the requirement to retain a registered or licensed industrial hygienist or environmental engineer to provide a detailed report on the conditions of the property. The professional was required to begin the assessment prior to the commencement of cleaning the property. The report, at a minimum, was to provide the following information:

- Description of the home and construction type and materials
- Description and documentation of the existing conditions of the home along with photographs
- Identify and document any other potentially hazardous environmental conditions or materials
- Description and direction of how to properly and safely dispose of all bio hazards and possible asbestos containing materials
- Provide direction on what materials and/or portions of the structure must be removed, demolished, repaired or replaced
- Provide direction and descriptions of how the remaining structure must be treated to address the bio hazard(s)
- Provide direction on how the surrounding grounds must be treated to treat the bio hazard
- Provide directions on how to mitigate and eliminate the odor's in and around the home. It will be required to completely eliminate the odor on the outside of the structure and assure that the odor will not return after treatment.

This report was required to be submitted to the Building Safety division for review and approval no later than January 9, 2015. On January 6, 2015 Building Safety was contacted by Mrs. Stephanie Johnston with the Arizona Humane Society. She had some concerns after she was contacted by the property owner. Mr. Kaufman indicated he had started to clean up the property and was attempting to gain possession of his dog from the Humane Society. We visited the property and found that the owner had begun clean up, in spite of the orders issued by the City. We contacted the owner and the owner's attorney, Mr. John Coll, to inform them this activity must stop until the property has been reviewed by the appropriate professionals. It should be noted that I did see a cat in the home, as well as three bowls with food and water, while posting a notice on the window. April 27, 2015 the Building Safety division sent out an email to Mr. Kaufman, and his attorney, informing them that Building Safety still had not received any investigative reports regarding the property and no work had been undertaken to abate

the hazards at the property. May 4, 2015 Mr. John Coll, the attorney representing the property owner, sent an email to the Building Safety division that contained a "Limited Environmental Evaluation Report" from Clark Seif Clark Inc. (CSC). The report was dated March 6, 2015. On May 5, 2015 the Building Safety division responded to Mr. Coll and the report provided by CSC. Mr. Coll and Mr. Kaufman were sent a letter dated May 5, 2015, that identified items the City identified as issues that the report did not clearly address. Further, the author of the report clearly identified that there were still animals in the home, a clear violation of the order to vacate the premises. May 14, 2015 Building Safety was contacted by two individuals from Kary Environmental. They indicated that the property owner, Mr. Kaufman, asked them to provide proposals for the abatement of his home. After speaking with the individuals they did not believe they could complete the environmental assessment by June 1st as required. Further, they did not believe they could fully abate the hazards or odor, they believe the only viable solution was to remove the structure in its entirety. May 14, 2015 in email correspondence with Mr. Kaufman's attorney Mr. Coll stated that he was recommending his client avail himself of the City's voluntary demolition program. May 29, 2015. Building Safety sent the owner, and his attorney, an email informing them that if the City did not have a completed application for the City's voluntary demolition program, the City would be forced to convene a hearing. On that same date Building Safety had been contacted by Mr. Brandon Child, Summit Restoration and Construction. He requested additional information on what the City would require to abate the hazards at this property. He was informed of the City's requirement that the conditions could not persist into the future. On June 1, 2015 Mr. Kaufman submitted an application for voluntary demolition to the Building Safety I'm sorry to Community Revitalization. Later that week, after City of Glendale staff had an opportunity to review the application, it was found that another individual was named on the deed of trust. I believe that person was Mr. Kaufman's sister who I believe is here in the room today. As a result Mr. Kaufman was contacted and informed that both parties must sign the document and that the document must be notarized. On June 22, 2015 Mr. Kaufman arrived at City Hall to sign the application for voluntary demolition with his sister. Unfortunately his sister did not have a picture ID and as a result, the application could not be accepted. On June 26<sup>th</sup> of this year the City received two complaints regarding the structure's condition with one individual stating that the owner was still living in the building and accessing the structure through the back yard. The Building Safety division contacted Mr. Kaufman and Mr. Coll to inquire as to the status of the application. Both parties were informed that failure to produce the required documents will result in the scheduling of a hearing. Both parties were also informed that the City of Glendale Police Department was to be notified of the apparent trespassing occurring at the property. On July 1, 2015 Building Safety scheduled a hearing. Building Safety was contacted by Mr. Kaufman's attorney, Mr. Coll, and asked to vacate the hearing stating that he would have the documents signed as required. Mr. Coll was informed that the City would not cancel the hearing until such time as all documents had been signed and approved. Finally on July 8, 2015 Building Safety posted a notice of a Public Hearing on the property. At that time it was noted that it appears the home was being occupied. Staff noted additional personal property, which was not present before, this was plainly visible from the window the notice was posted at. That concludes my opening statement. The only evidence that I would include is the hearing packet before you and Mr. Kaufmann.

Mr. Kaufmann had the opportunity to ask Mr. Ptashkin any questions that he may have. Mr. Coll is not representing me here today obviously he is not going to be here so I asked him for his help and he is not going to be available to me so I guess I'm just here representing myself I guess Mr. Ptashkin. I don't know if I have any questions or not. Everything is pretty straight forward as it seems. That's where I kind of left things off with Mr. Brandon Child I think was kind of a person I was counting on to try to get some help from the Summit Group. I guess I better not make any statements I guess I really don't have a question at this time. I was just looking at that right there.

Mr. Chad Thrasher was called to testify and sworn in from the Glendale Police Department. My full name is Clifford Chad Thrasher. Mr. Thrasher could you state your capacity with The City of Glendale please? I'm a detective with The Glendale Police Department. Detective could you briefly describe why you were contacted to go out to the property? I received a report from a patrol officer about a possible animal abuse case at this residence 6420 N 45<sup>th</sup> Ave. When I received the report I drove to the residence and did kind of a walk around and noticed the overwhelming odor of the ammonia and I could see through the windows I could see several cats inside the residence that appeared in complete disarray with what appeared to be cat feces on the floors and walls and dressers any furniture in the house appeared to be covered from the window I could see in. From there we attempted contact at the front door with negative results so I had to write a search warrant to go in to rescue the animals that were inside the house. Ok detective did you have an opportunity to enter the home? Yes I did. Could you briefly describe the conditions? I had to wear a full chemical weapons suit or biological suit with full respirator to avoid the high levels of ammonia that was reported to me by The Glendale Fire Department. We opened the front door and made entry and it did not look like a residence inside there was debris and wet debris all over the floor where you could hardly walk through from room to room. The kitchen did not even appear to be a kitchen. There were holes in the walls and everything that was metal appeared rusted and had holes in it from the rust. I had a respirator on so I could not smell at the time but we were having cat's we were pretty much tripping over cats walking through the residence making sure there were no other occupants inside on the initial clearing of the house. A couple of the rooms we couldn't even enter because the doors were there were so much items covered behind the door the doors could not be opened to go through them. We noted several, several cats inside the residence that were scattering they were running up to the ceiling through the air ducts in the residence. It was probably one of the worst the worst house that I have ever been in. Debris and cat feces you couldn't it didn't even look like a house on the inside. In your opinion and based upon your past experience working with other homes such as this do you believe this house is suitable for occupancy or could be occupied? No I do not. Do you have anything else that you would like to add? After we initially cleared it The Glendale Fire Department took ammonia level readings and it was unsafe for human occupancy at the time. I had to re-enter the house to open up windows to let the house air out so we could go in and rescue the cats inside. I do have one other question. Were you present when we spoke to Mr. Kaufman at the end of the day and discussed what he needed to do? Yes. O.k. can you briefly describe what you had heard? He was not to occupy the residence only between the day time hours and that was only to remove personal property. That concludes my questioning.

Mr. Kaufman was asked if he had any questions for the detective. I don't think so Detective Thrasher.

Mr. Robert Essel was called to testify and was sworn in. Robert Esterbrook Essel. Mr. Essel could you please state your capacity with The City of Glendale? I work with Community Revitalization Department I am the Revitalization Coordinator overseeing a number of different programs for the City. Mr. Essel did you how did you first of all become aware of the property and what was going on there? I first became aware of the property in conversation with you and your department. I was made aware that there was a possibility that the home owner who was a situation with the structure that was not found to be habitable might be provided an opportunity to go through our voluntary demolition program. And through our contact did you get an opportunity to speak to Steve Kaufman the property owner? Yes. Did Mr. Kaufman bring to you a copy of an application for demolition? Yes he did I have an application from Mr. Kaufman dated June 1, 2015. My understanding is that you could not accept it. Could you please describe the reasons for that? Part of the process is that we go forward with the voluntary demolition is that the home owner provides a documentation that is then given to our intake individual

who does a title report on the property it was discovered that Mr. Kaufman's sister was also on the title. I talked to Steve about the fact that he needed to bring her in she needed to sign on this application. When he did bring her in she had no id and we talked for what I guess would have been a good 30 minutes to try to come up with some option to help them obtain the id for her. Pretty much left it at that. I was told that they would be back but never heard another thing from other than about two weeks ago a couple messages that he was still trying to work through this at that point I had no telephone contact information to follow up with him to discuss anything. That's where we are at today. When you stated that you needed photo id what's the reason for that please? It's part of the application process to document the ownership of the property and as provided by our notary requirements you have to have a picture id and she could not provide one. So as of today we still do not have a signed application would that be correct? We do not have a correct signed application. One that you could accept? Yes. Do you have any other comments? Not at this point. That concludes my line of questioning.

Mr. Kaufman did not have any questions for Mr. Essel.

Mrs. Johnston from the Arizona Humane Society was called to testify and was sworn in. Stephanie Johnston. Good afternoon Mrs. Johnston. Could you please describe your position and your employer please? I'm the supervisor in the field operations department at The Arizona Humane Society. Could you kind of describe what your responsibilities are as a supervisor there? Oversee the day to day operations of the department. Go on bigger cases that come in to make sure that they are done correctly. Oversee the employees. O.k. were you present on the property on that day? Yes I was. Could you tell us what you witnessed please? An overwhelming smell of urine and feces, debris, trash, clothing articles inside the home. Soaked cabinets furniture cat food, cats there was one dog. What were the conditions of the animals? Most of them had upper respiratory infections going on where they had ocular and nasal discharge trouble breathing, caked feces feet between their toes, and they were mostly feral meaning wild cats. Do you know about how many animals you did remove from the structure? Approximately eighty six. Eighty six? Eighty five cats and one dog. After you removed the animals did you or the Arizona Humane Society give Mr. Kaufman any directives on what he had to do or comply with? We were talking to him on getting his one dog returned to him if he got new housing and the animal by no means was to be returned to that home and subjected to that condition whatsoever so we ended giving Mr. Kaufman back the dog under those stipulations. O.k. and then my last question is there anything else that you would like to offer or add? Other than it breaks my heart to see that again and for Chile to be put through that the dog or for any of the animals that are still there. It's not fair for them they do not have a choice in the matter.

Mr. Kaufman was allowed to ask Mr. Johnston questions. Well I just want to make a statement and thank her for taking the dog in the interim there very much she did a real nice job so no questions really.

Mr. Kaufman was asked if he had any other witnesses other than himself that he wished to have testify? Sandra Kaufmann was sworn in to testify. Mr. Merkow asked if she lived at the property and she answered no. We had many pets all our lives. He loved those pets, he loves those pets. We talked on the phone many a times he loved those pets. He spent his inheritance with his money he loves those pets. He made a mess I know that he should have cleaned the property I know that he made a mess but he loves those pets. Mr. Merkow asked if she has a photo id? She said that she did. He asked if it was issued by the State of Arizona? Mr. Kaufman said that he ran across something during some cleaning up and one is when she lived on 19<sup>th</sup> Avenue in Northern area and that's a little outdated but I do have something recent from Encanto Palms Assisted Living I don't know if there was a date on that I'm not

sure about that. That would be more up to date. Do you have a photo id issued by any government agency? Either the State of Arizona? There was a Arizona id the one from . Do you have it with you? Not it's at the house. I'm sorry sir. At which house? The 6420 residence. I was going through some paperwork. It is available both of them I do not have it with me right now but I did run across it while doing some clean up. Yes the State of Arizona from 19<sup>th</sup> Ave and Northern and the one I don't know what the deal is Encanto Palms so I do have one I'm not sure about the date on there I do have that for you too.

Mr. Ptashkin was asked if he had any questions for Sandra Kaufman and he did not.

Mr. Kaufman was sworn in to testify. Well this is a tough spot for me to be in this is something that I never envisioned but obviously it's you know came down to that. She's right about the animals I definitely love them and everything. I'm sorry that Mrs. Johnston had a situation there with the animals. I apologize to her. I got so much to say I can't even really you know put everything into words I guess. You know it's something that I definitely learned from it was kind of a perfect storm situation I'm not trying to make any excuses it's just you know ridiculous what happened. It's just something that will never happen again I'll definitely never have any situation like that ever come up again. That was just crazy. I think that I was a little disappointed in Mr. Ptashkin that I didn't get a chance to get in there and get more work done. That was the most difficult part for me because I could hear my late father saying you know you made the mess you get in there and clean it up so no disrespect that's why I got the thing started a little bit earlier there. I probably just jumped right in and wanted to get to work and just make it right as soon as possible that's what was going on there. My mindset just said let's put that behind me as quick as possible clean it up. Mr. Merkow said well you agreed to have the house demolished. I'm sorry sir? You agreed to have the house demolished. I'm hoping there's some way that it can be averted I mean obviously that's what everybody's saying that's why I mentioned Mr. Child or whatever. I think that he actually had a handle on it. I think the thing that was scaring some of the cleaning companies away is the fact they were looking at a thirty year odor situation and they just didn't want to touch it. I think they were willing to get in there and help me and I was hoping for that but I think that number scared them away Mr. Ptashkin I'm concerned about that because the effort was certainly there to try to do what I could. What have you done in the last two months to try to get this remediated? Well I think ah of course were up against the June 1<sup>st</sup> deadline so that was a pretty hard deadline there I think up to that point my lawyer kept saying get a bid get a bid from different cleaning companies I don't think it ever sunk into me like he said that it was free and all that and I said well I don't have the money to do that and he said go ahead and do that and maybe we'll have a potential buyer that would be interested in the property so that's what I'm hoping for at this point. I've contacting some of these like I came in the other day some of these people who are still interested in buying the property and that's where I'm at right now and trying to sell it as is. Telling them of course every situation that I can trying to disclose what I have to not hiding anything about the animals and so forth. So that's where I'm at right now. I think that we had the dumpster and that was something that kind of back fired on us to because I had Republic dumpster come out we had that in there we were piling stuff in there we had the Glendale bulk trash remove a lot of things I think that we were making a lot of progress but like I say Mr. Ptashkin probably doesn't want us to get involved with hazardous materials so I guess we had to back off there . I think we could have done a lot more without any stop work signs or anything like that I think we were really making a lot of progress there again that was just neighbors helping out and so forth and friends trying to help out and that type of thing so. Are you saying that you're not interested in voluntary demolition any longer? I can't say that sir I don't want to get myself a huge bill. I think that was a very nice offer. I would definitely have to consider that because I don't have the money to pay for the hundred percent cost of the demolition so I definitely appreciate anything like that a twenty five

percent is something that I would have to consider for sure yeah I can ah. Well you have been considering it you just didn't follow through. Yeah I know it something that I you know I'm hoping that I can get the place fixed up and even avoid any demolition at all I guess. That is where I'd like to think it's going but you know the house means so much it's a fifty one year old residence and I still consider it my mom and dad's home you know even after all these years I've only been there for about five years roughly around May 2010. I've only been in charge of the place for the last five years so I still consider it as their residence more of a you know left over memories and things from that. That's been kind of tough on me to my neighbor says make it your own make the place your own I don't know if I've ever done that. I was a I'm kind of a sentimental fool it's been hard for me to remove things and so forth so. Are you living there? I've got most of the stuff cleaned out I mean you won't find the feces problem in there but I have been back in there sir yeah I've been splitting time at the house and staying at friend's homes. What else would you like to tell me? Well I just you know even Mr. Ptashkin admitted that there was an emotional attachment in one of your emails I really appreciated that sentiment and I agree with that it's embarrassing it's something I never thought would come to this you know and man I just wanted to make it right as soon as possible. I just wanted to get in there and man clean everything up and do the best you can and see what happens. I still feel that way I have a gung ho attitude at making it right and whatever I can do if somebody can assist me give me some ideas I'm not the smartest on this matter so I do need some help but I sure would like to make it right and not have to resort to a demolition situation. It's a lot better than it was when they're talking about the initial visit on November 25<sup>th</sup> right before Thanksgiving so it's much better now. There's no doubt about that anybody who takes a tour of the place now if they did that they wouldn't find nearly the accumulation of things and so forth. I'm just hoping for the better on that. Anything else Mr. Kaufman? Well that's where I stand right now. Mr. Ptashkin has the opportunity to ask you any questions that he has. Mr. Ptashkin has no questions. Anything that you want to tell me that you haven't told me this afternoon? I think the thing that was amazing to me is that initial situation on November 25<sup>th</sup> that I've never come in contact with so many people and I'm sorry that they had to bang the door down and resort to something like that because I don't I'm not that kind of person and they had to take their precautions and that's a source of embarrassment to me all that came to pass. I said just ring the doorbell and I'll answer the door and do whatever you tell me I try to do things peacefully and do things in cooperation with The City and like I say I'm just amazed at how many people I met. I really haven't had a lot of feedback people coming around and saying that they could help you or what can we do to help you so it's been I've been flying solo pretty much the whole time and like I say I'm prone to making some of the mistakes along the way here. Avoiding things but not anything on purpose I'd love to make this situation right. Anything somebody could help me with I'd be all for it. Thank you sir do you have any other witnesses that you wish to have testify on your behalf? I have some friends here it's up to them if they want to speak up for me. If they'd like to I'd appreciate it. It's up to them I suppose. O.k. thank you. Is there anybody in the audience that wishes to make a statement? O.k. Mr. Ptashkin anything further? Yes sir in light of what we've presented today I would like to note that The City of Glendale has declared the property to be a nuisance that must be immediately abated. The City believes that the structure is imminently unsafe due to the high health hazard(s) present and that the home is a public nuisance. We believe that the existence of the structure constitutes a health hazard to not only individuals who would occupy or enter the home but also the surrounding neighborhood. Further the City would like to bring to your attention that the property owner is either unable to, or unwilling to, take the steps necessary to adequately address these conditions. Due to the aforementioned conditions the City respectfully requests an order be issued to immediately abate the hazards at the property through the demolition of the structure. Thank you.

Mr. Kaufman is there anything else that you would like to tell me? I guess you know I just wish I had some help from somebody with more experience at this than me. I'd like to make it right there's no doubt about it. I'm been ready since this happened to roll up my sleeves and get involved but like I say I'm made probably some poor judgements because of my inexperience in this matter and like I say I'm not there's no doubt it's a situation that never should have occurred in the first place or even be here. It's a terrible thing you know. I just wish there is something that I could do. If anybody had any ideas I just thought that we were getting somewhere with Mr. Butterfield and Mr. Childs you know I think that may have been a problem I don't know what happened in there but in my mind in my heart and in my mind I believe that it could be remediated. I'm not the expert that Mr. Ptashkin is he's got more information than I have at my disposal but I always believe that I can do something to make it work. If you would like me to cooperate in any way I can I'd certainly being interested in doing that like I say avoid this but I don't know you know it's something like I said I wish was avoidable. I'd like to do whatever I can. My next door neighbor may have been some help. I wasn't sure if she was even qualified to do that. I know that she and her son mentioned that because it affects them and their property value they were interested in helping me out. I'm not sure if I know Buzz knows who I'm talking about Angel my next door neighbor. Is buzz back here? Yeah. Buzz knows Angel so I don't know if that's an option I can look into but if there is any other options in the meantime in the next few days or a week or something like that Mr. Ptashkin I'd certainly like to consider that. You know if anything is available I certainly would like to know about it and do as much as I can to do that. Thank you sir. Anything else Mr. Ptashkin? No sir. O.k. then that will conclude this hearing and I will have my judgement shortly. Thank you for coming in this afternoon and that will conclude this hearing. Thank you sir I appreciate your time.

The hearing concluded at approximately 2:20 p.m.

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Sherry Crapser, Recording Secretary